



MINUTES

BOARD OF EQUAL RIGHTS COMMISSIONERS

December 20th, at 2:30pm

Room 301-A, City Hall, 200 E. Wells Street Milwaukee, WI 53202

Present:

Commissioner Jeffery Roman, Chair
Commissioner Chez Ordonez, Vice-Chair
Commissioner Tony Snell
Commissioner Sheila Ashley

Absent:

Commissioner Mayhoua Moua

Jessica Langill, Dept. of Administration
Sharon Robinson, Dept. of Administration
Ben Roovers, City Attorney's Office
Patricia Ruiz-Cantu, Dept. Of Administration
Rebecca Rabatin, ADA Coordinator
Jeff Polenske, City Engineer
James Hannig, DPW, Bicycle & Pedestrian Coordinator
Maria Monteagudo, Employee Relations Director
Karen Dettmer, DPW, Public Works Coordination Manager
Brian Peters, IndependenceFirst
Sharin Cabral, Disability Rights Wisconsin
Deb Falk-Palec, Chair, Milwaukee County Commission for Persons with Disabilities
Mike Bork, County Recreation
Nathan Guequierre

The meeting was called to order at 2:36pm without quorum. Quorum met at 2:50pm.

1. Approval of Minutes from November 15th Meeting

Held until quorum reached. Commissioner Snell moved to approve the minutes, Commissioner Ashley seconded. Minutes approved unanimously.

2. Inclusion of Adaptive Bikes in COM Bike Share Program (Jeff Polenske)

Commissioner Roman acknowledged that a grievance regarding the lack of accessible bikes in the City of Milwaukee's bike share program had been filed and responded to. He stated that the discussion on the agenda was not to be used as a listening session about the grievance.

Jeff Polenske, DPW's City Engineer, spoke on behalf of DPW's involvement in the process. Polenske stated that a bike share program is to be used as a self-service transportation option for short-distance point-to-point trips. Polenske stated that the City of Milwaukee is able to apply for certain Federal grants to expand the city's bike share (Bublr) program. He stated that the city has been able to bring in a great deal of funding to purchase more bikes and stations and that the funding for daily operation/maintenance comes from membership dues, ridership fees and sponsorship. Polenske shared that the City of Milwaukee has been able to secure two grants through a Congestion Mitigation Air Quality Program. Grants from this program are to be used to provide alternate transportation choices beyond single-occupancy vehicles, in order to improve air quality. He stated that the first grant has been completed, bringing in 25 more bike stations. The second grant will bring more bike stations to the city. Polenske stated that he is a member of the Bublr board and is able to maintain some oversight of the program as a representative of the City.

Polenske stated that through the process of bringing the bike share program to Milwaukee, DPW learned that was a community interest in bringing adaptive bikes to the program. He stated that DPW has had conversations regarding adaptive bikes and has been trying to figure out how to be more accessible to those with disabilities. He stated that the technology within the current Bublr system is not there for accessible bikes, but that DPW has been open to discussing other options. Polenske stated that the conversation has been ongoing and that they are learning from other cities in the US. He stated that Wauwatosa recently created a single accessible bike rental station for individuals with disabilities.

Commissioner Ordonez verified that Bublr is the only vendor that provides a bike share program in the City of Milwaukee. He asked if the City would be open to another vendor coming in and offering other bike share options. Jeff Polenske stated that the City could not prevent another vendor from coming in. He brought up dock-less bike programs that are coming into communities around the US. Commissioner Ordonez asked how the funding from the current bike-share grant will be used. Polenske stated that because of how the grants were written, the funding would go toward expanding the current Bublr program. Polenske stated that if there was a vendor that wanted to partner with the city in the future on getting a grant for accessible bikes, that the City would be open to that discussion. Commissioner Ordonez asked if the current bike share program in the City is currently accessible to low-income communities of color. Polenske stated that Bublr's mission is to be accessible to all communities. He stated that Bublr has several financial programs for low-income riders and that the system has been expanded beyond the central business district in the City. Commissioner Ordonez requested a list/map of where the current docks are and where the expansion will take place.

Commissioner Snell asked how inclusive the Bublr board is. Polenske stated there are 8 board seats but that no current board members are from the disability community. Commissioner Snell stressed the importance of having a diverse board. He asked if DPW or the Bublr board have done any type of feasibility study relating to accessible/adaptive bikes. Polenske stated that there have been surveys done but that no study has been done as of yet. He also suggested that the board should go out into the community and listen to the concerns of the disability community. Commissioner Roman asked Jeff Polenske to provide a summary of the users of the bike-share program.

Commissioner Ordonez asked if there has been any discussion about the potential air quality impact of people with disabilities needing to call for transport or driving on their own to run errands and for short trips vs. the impact of having adaptive bikes available. Jeff Polenske stated that they have general information on the trips, but not specific to the disability community. Commissioner Ordonez encouraged DPW to look into this.

Commissioner Ashley asked if there would be a way to find out in what parts of Milwaukee people that are served by organizations such as IndependenceFirst and Disability Rights WI live, and to start a pilot program in an area that is heavily populated by people with disabilities. Jeff Polenske stated that DPW is looking to develop some partnerships with organizations that are able to help answer these questions. Commissioner Ashley also suggested that they look into philanthropic and corporate partners to develop a grant to purchase adaptive bikes. She also suggested that DPW and Bublr partner with AARP as they currently have an adaptive bike program.

Commissioner Roman reminded the attendees that the Equal Rights Commission could not respond to matters concerning the formal grievance filed with the City, but that the Commission would like to hear from the community about ideas they have regarding creating an accessible bike share program.

Sharin Cabral (Disability Rights Wisconsin) stated that they had prepared a written statement including a legal analysis of the issue and asked if she could read it to the Commission. Cabral stated that it has been 2 and a half years since they have started their dialogue with the City and Bublr Bikes about the lack of inclusion in their program. She stated that she was very open to a dialogue and a resolution to the problem, if it does not take another 2.5 years. Cabral stated that the City's response to the grievance was based on a flawed and biased study done by a group called Motivate (which does not provide accessible bikes). She also stated the Motivate Study did not represent the ADA. Cabral stated that the City's response to the grievance said that adding accessible bikes to the current bike share program would be a fundamental alteration to the current program and therefore the City is not legally required to add accessible bikes to the current bike share program. She stated that the contract between the City and Bublr states that the bikes can be used for transportation or recreation, making that argument void. Cabral also brought up the argument of where people with disabilities would store their wheelchairs and scooters when using the adaptive bikes. She stated this was

not an issue the City needed to worry about and that the people using the bikes would figure that out on their own.

Deb Falk-Palec stated that since addressing the Commission at the last listening session, there have been more cities who have added accessible bikes to their bike share program. She stated that having accessible bikes is not only important for the citizens of Milwaukee but also for visitors coming in from other cities that have accessible bike programs. She stated that she sees the City and Bublr as an obstacle in creating an accessible bike share program because they have said “no” to any suggestions that have been presented. Falk-Palec stated that it might be possible for Zagster, the only bike program that offers accessible bike options, to do a study in the City of Milwaukee. She stated the bike advocates are not asking for much, only a few accessible bikes.

Commissioner Ordonez asked if there has been a list created of the suggestions that have been made and the responses they have received. He also asked if a cost analysis has been done. Falk-Palec stated they have not done a financial cost analysis but that Wauwatosa spent between \$20,000-22,000 on their adaptive bike station. Commissioner Ordonez stated that although cost is not a factor for inclusion, but that it would be helpful for the Commission to know. He also stated it would be helpful if Zagster had a cost breakdown and that the Commission invites Zagster to attend an ERC meeting in the future.

Commissioner Snell brought up the fact that tourism brings in 5.5 billion dollars a year into the city and that the City should be making an effort to be accessible to all tourists. He stated that large disability groups may choose to have their conventions in other cities in the future if Milwaukee does not start offering accessible bikes. Mike Bork stated that Ramp Up MKE partnered with Milwaukee County Parks to raise funds for 3 hand cycles that are available for rental at the Lakefront. Commissioner Snell stated the City or Bublr could advertise for these existing hand cycles as a first step in being more inclusive. Mike also stated that Bublr is currently maintaining these hand cycles for the Milwaukee County Parks.

Brian Peters (*IndependenceFirst*) stated that his organization has adaptive tricycles and hand cycles that are available for rental. He also stated that he believes accessible bikes will also be used by people without disabilities. Deb Falk-Palec stated that Wauwatosa does not police the accessible bikes and that anyone can check them out to use them.

Sharin Cabral said that moving forward they could either file another grievance with the City with more information or they could file a grievance with the Department of Justice. Commissioner Snell stated that the ERC is very interested in resolving this issue and that they will work to get answers more expeditiously. Commissioner Ordonez stated that as a Commission they cannot take up the grievance but that the Commission is empowered to take on this issue and look at other avenues such as committees and task forces.

Commissioner Ashley stated that the ERC is in the process of recruiting new members and that they are being mindful about making sure the members reflect the Milwaukee community.

Sharon also stated that the City has already started conversations with the disability community regarding adaptive bikes. Jeff Polenske stated that there have been conversations about the challenges and options and that they have done some research into the bike program Zagster offers. Polenske stated that Zagster could be a possibility but that there would have to be a larger discussion about where the funding would be coming from. Rebecca Rabatin stated that all of the cities that have adaptive bikes as part of their bike share program are currently using Zagster. She stated other cities have separate adaptive bike rental programs. Ms. Rabatin also looked at a company called Adaptive Adventures that had provided adaptive bikes to parks in the state of Wisconsin but that they left Wisconsin because there was not a great demand for the bikes. Ms. Rabatin stated that she has talked to this company and they would be interested in coming back if the desire is there.

3. International Human Rights Day Debrief

Jessica Langill stated that the International Human Rights Day event on December 8th was a success. In partnership with the County of Milwaukee Human Rights Commission, there was an opening ceremony (attended by approx. 50 people) at noon that featured the Mayor, Consul Adem, Alderwoman Lewis, the LGBT Police Liaison, a Korean Drummer, etc. She stated there were also resource tables full of local organizations. The closing ceremony included the ERC's first Equality Awards, presented to Adam Wickersham, IndependenceFirst and Children's Hospital. Ms. Langill stated that there was a debrief meeting in which it was decided that community members will be part of the planning for 2018 and that planning will begin earlier.

4. Strategic Planning Update

Commissioner Ordonez stated that there was an initial Strategic Planning Committee meeting recently and that an initial framework had been discussed. He stated that the committee discussed standing committees and the grievance/hearing panel procedure. Commissioner Ordonez also stated that the committee would be further discussing the Commission's standard operating procedures and structure. Ben Roovers stated he would be willing to be a part of further meetings.

Commissioner Ashley stated that she would like to see a mission and values statement should be created before framework and objectives are discussed. She also stated that all Commissioners should be included in making decisions about the 3-5 year strategic plan. She stated the Strategic Planning Committee should work on an outline of the strategic plan. Commissioner Ordonez stated that he did not feel that the Committee was not moving too fast and that it is extremely important to have infrastructure in case someone files a complaint. Commissioner Snell stated that strategic plans and operating procedures are two different things. Commissioner Roman suggested that there be a real strategic plan meeting in 2018 with all Commissioners once all seats are filled. Sharon Robinson stated that partnerships are going to be very important moving forward to help with referrals and capacity issues. She also stated that Jessica would put together an initial framework and facilitating a strategic planning meeting.

5. ERC Nominations & Search for Commissioners

Commissioner Ordonez stated that he has had conversations with two potential Commissioners. Commissioner Snell stated that the ERC might want to consider having a governance committee that would be responsible for finding future Commissioners. Sharon Robinson stated that it would be best to recommend all five potential new Commissioners at once and that it should be done by February if at all possible. Jessica Langill asked the Commissioners to think about recommendations.

6. ERC Logo

Held until future meeting

7. City's Anti-Harassment Initiatives (Maria Monteagudo)

Maria Monteagudo had to leave the meeting early and will be rescheduled for a future meeting.

8. Community Dialogue & Upcoming Events

None

9. Next Meeting Date: January 17th, 2018 at 2:30pm

10. Adjourn

Meeting adjourned at 4:53 p.m.

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